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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 GREGORY ALAN FOSTER,
12 Plaintiff,
13 v.
14 PUMA NORTH AMERICA, INC.,
15 *et al.*,
16 Defendants.
17

Case No. 2:23-cv-09372-FLA (SKx)

**ORDER DENYING PLAINTIFF'S
MOTION FOR DEFAULT
JUDGMENT AGAINST
DEFENDANT BBB, INC. [DKT. 153]**

RULING


On October 4, 2024, Plaintiff Gregory Alan Foster (“Plaintiff”) filed a Motion for Default Judgment against Defendant Big Baller Brand, Inc. (“BBB, Inc.”). Dkt. 153. On November 5, 2024, the court found this matter appropriate for resolution without oral argument and vacated the December 6, 2024 hearing on the Motion. Dkt. 164; *see* Fed. R. Civ. P. 78(b); Local Rule 7-15.

On November 6, 2023, Plaintiff filed the Complaint, asserting claims against Defendants including BBB, Inc. Dkt. 1. The Clerk of Court entered BBB, Inc.’s default (“Default”) on December 15, 2023. Dkt. 24. On August 8, 2024, Plaintiff filed the operative First Amended Complaint (“FAC”). Dkt. 128. Defendants, including BBB, Inc., filed a Motion to Dismiss the FAC (Dkt. 133) on August 22, 2024, which they withdrew subsequently (Dkt. 138). Defendants filed a renewed Motion to Dismiss (“MTD”) on October 14, 2024. Dkt. 156.¹

Plaintiff did not request the court enter BBB, Inc.’s default on the FAC prior to filing the subject Motion for Default Judgment. Accordingly, the Motion for Default Judgment against BBB, Inc. is DENIED. *See Mendoza v. Wight Vineyard Mgmt.*, 783 F.2d 941, 945 (9th Cir. 1986) (recognizing the court’s discretion is “especially broad” in setting aside entry of default).

IT IS SO ORDERED.

Dated: September 30, 2025.


FERNANDO L. AENLLE-ROCHA
United States District Judge

¹ The Renewed Motion to Dismiss comprises BBB, Inc.’s response to the FAC. *See* Fed. R. Civ. P. 12(b). By filing the MTD, BBB, Inc. has “otherwise defend[ed]” for purposes of preventing an entry of default. *See* Fed. R. Civ. P. 55(a) (permitting entry of default against a party that has “failed to plead or otherwise defend[.]”).